

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

LOCAL, 8027 AFT-NEW HAMPSHIRE,
AFL-CIO, et al.,

Plaintiffs,

V.

Case No. 1:21-cv-1077-PB

FRANK EDELBLUT, in his official capacity only as the Commissioner of the New Hampshire Department of Education, et al.,

Defendants.

MOTION TO DISMISS NEA-NH COMPLAINT (ECF Doc. No. 1)

Frank Edelblut, in his official capacity as Commissioner of the Department of Education, John M. Formella, in his official capacity as Attorney General of the State of New Hampshire, Ahni Malachi, in her official capacity as Executive Director of the Commission for Human Rights, Christian Kim, in his official capacity as Chair of the Commission for Human Rights, and Kenneth Merrifield, in his official capacity as Commissioner of the Department of Labor (the “defendants”), by and through the Office of the New Hampshire Attorney General, move to dismiss the complaint filed by Andres Mejia, Christina Kim Pilibotte, and the National Education Association–New Hampshire (ECF Doc. No. 1) (the “NEA-NH complaint”). The NEA-NH complaint should be dismissed under Federal Rule of Civil Procedure 12(b)(6) for the reasons set forth in the memorandum of law filed contemporaneously with this motion. **Section III** of the argument section of the defendants’ memorandum of law pertains to the sole claim asserted in the NEA-NH complaint. *See* Defs.’ Mem. Law at 20–37

WHEREFORE, the defendants respectfully request that this Honorable Court:

- A. Dismiss the NEA-NH complaint (ECF Doc. No. 1) for the reasons set forth in **Section III** of the memorandum of law filed contemporaneously with this motion; and
- B. Grant such other relief as the Court deems just and equitable.

Respectfully submitted,

FRANK EDELBLUT, in his official capacity
as Commissioner of the Department of
Education,

JOHN M. FORMELLA, in his
official capacity only as Attorney General
of the State of New Hampshire,

AHNI MALACHI, in her official capacity as
Executive Director of the Commission for
Human Rights,

CHRISTIAN KIM, in his official capacity as
Chair of the Commission for Human Rights,

and

KENNETH MERRIFIELD, in his official
capacity as Commissioner of the Department of
Labor

By their attorney,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: March 25, 2022

/s/ Samuel Garland
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Certificate of Service

I hereby certify that a copy of the foregoing was served on all counsel of recording using the Court's electronic-filing service.

/s/ Samuel Garland
Samuel R.V. Garland